

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEWIS J. THORNEY, MELISHA
THORNEY and MILTON THORNEY.

Plaintiffs.

-against-

VINCENT J. D'ELIA, Esq.,
THOMAS M. McCARTHY, Esq.,
ANTHONY P. BUFANO, III, Esq., and
D'ELIA & McCARTHY, a partnership.

Defendants.

RECEIVED
CHAMBERS OF
JAN 22 2008
JUDGE SCHEINDLIN

STIPULATION + ORDER
05 cv 1970 [SAS]

U.S. DISTRICT
DOCUMENT
MAGISTRATE FILED
DOC #:
DATE FILED: 1/23/08

IT IS HEREBY STIPULATED by and between the parties that:

- a. This legal malpractice action was commenced on January 3, 2005 in New York state court and removed. The underlying personal injury action was dismissed;
- b. The dismissal of the underlying personal injury action which gave rise to this Legal Malpractice action has been vacated;
- c. However, under state law, all prior unappealed decisions may be appealed upon a final judgment; and
- d. Plaintiff is willing to discontinue, without prejudice to renewal should the underlying order vacating the dismissal be reversed upon a future appeal; and
- e. It is hereby stipulated that this action is discontinued without prejudice to renewal should the order of vacatur which opened the dismissal be reversed in the future; and
- f. The action may be restored upon the filing of a communication to the court which sets

TOTAL P.02

forth the happening of the set forth event, upon notice to all parties.

Dated: New York, New York
January 22, 2008

V. D'Elia
Vincent D'Elia, Esq.
Defendant and Attorney for
All Defendants

ALB
Andrew Lavoott Bluestone
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New York, NY 10279

*The Clerk is directed to close
this case. So Ordered.*

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1/22/08